IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 1952 of 2004

Between:

Kuntla Bhavani, W/o K. Yella Reddy,
R/o 4-1-189/2, Opp: Govt. Junior College, Suryapet.

... PETITIONER

AND

1 Konatham Ramnarasimha Reddy, S/o Budama Reddy,
R/o Neredcherla Village and Mandal, Nalgonda District.
2 The Sub-Registrar, Huzurnagar, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or writs order or direction declaring the action of the respondent No.2 in registering the document titled as cancellation deed dt. 10-3-2003 bearing document No. 437/2003 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: none

Counsel for the Respondent No.2: GP FOR REVENUE

The Court made the following Order:

ORDER:

The petitioner claims to have purchased 17 plots bearing several plot numbers totally admeasuring 3775 Sq.yds in Sy.Nos.171/A, 171/AA3, 172 and 152/A, Block No.5, layout No.79/99-2000, situated at Neredcherla Village and Mandal, Nalgonda District from the first respondent under a registered Sale Deed bearing Document No.136/2003, which was registered on 30-01-2003. Thereafter, the petitioner was put into possession of the property and he has been in possession of the same. While so, the vendor of the petitioner executed a document styled as Cancellation of Sale Deed dated 10-03-2003 bearing Document No.437/2003 cancelling the Sale Deed executed earlier. The petitioner, who obtained the Cancellation Deed, contends that the said Cancellation Deed was executed with false allegations that the sale consideration was not received by the vendor – first respondent. In view of the same, the registration of the said Cancellation Deed by the second respondent without any objection is arbitrary, illegal and it is liable to be set aside.

2. This Court in ***PROPERTY ASSOCIATION OF BAPTIST CHURCHES, V. SUB-REGISTRAR, JANGAON, WARANGAL DISTRICT AND OTHERS*** held that the limited power of the registering officer to enquire into objections that the executing party had no right execute document get extinguished the moment the document is registered. No such power inheres in the registering officer or the District Registrar to cancel the sale deed, unless another document for cancellation is presented with proper stamp duty and registration charges. A party aggrieved by a registered document on conveyance has to file civil suit seeking appropriate declaration under Section 34 of the Specific Relief Act, read with Article 59 of the Schedule under the Limitation Act, 1963 and the writ petition is not a proper remedy to go into the correctness of the rules of such deeds. In view of the same, if the petitioner is aggrieved by the registration of the Cancellation Deed, he has to approach the Civil Court for necessary relief. I see no grounds to entertain this Writ Petition

and it is accordingly dismissed. No costs.

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A. GOPAL REDDY, J

August 25, 2004

MRR/MURTHY

To:

1. The Sub-Registrar, Huzurnagar, Nalgonda District.

2. Two C.C. s to the G.P. for Revenue, High Court Buildings,Hyderabad (OUT).

3. Two C.D. Copies.